

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION

MICHAEL D. MCCAIN, SR.,

Plaintiff,

Case No. 2:15-cv-1262

vs.

CHAROLETTE JENKINS, et al.,

District Judge Michael H. Watson

Magistrate Judge Michael J. Newman

Defendants.

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**ORDER AND ENTRY: (1) DIRECTING *PRO SE* PLAINTIFF TO SHOW CAUSE ON OR BEFORE JANUARY 28, 2019; AND (2) NOTIFYING *PRO SE* PLAINTIFF THAT HIS FAILURE TO RESPOND TO THIS ORDER MAY RESULT IN THE DISMISSAL OF THIS CASE FOR FAILURE TO PROSECUTE AND/OR THE COURT RULING ON THE TWO DISPOSITIVE MOTIONS (DOCS. 95, 110) AS UNOPPOSED**

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This civil case is before the Court on the motion for judgment on the pleadings and motion for summary judgment filed by Defendants. Docs. 95, 110. Defendants filed the motion for judgment on the pleadings on May 23, 2018. Doc. 95. *Pro se* Plaintiff has not, to date, filed a memorandum in opposition to that motion.

On August 6, 2018, the undersigned ordered that Defendants could supplement their motion for judgment on the pleadings with a motion for summary judgment. Doc. 104. Defendants did so by filing a motion for summary judgment on September 6, 2018. Doc. 110.

Thereafter, the undersigned granted Plaintiff two extensions of time to respond to Defendants' motion for summary judgment. Docs. 113, 123. Plaintiffs' memorandum in opposition to Defendants' motion was ultimately due on or before January 7, 2019. See doc. 123 at PageID 819. To date, however, Plaintiff has not filed a memorandum in opposition to either Defendants' motion for judgment on the pleadings

or Defendants' motion for summary judgment,<sup>1</sup> and the time for doing so has expired.

Accordingly, *pro se* Plaintiff is **ORDERED** to **SHOW CAUSE** on or before January 28, 2019 as to why this case should not be dismissed for failure to prosecute. In lieu of showing cause, *pro se* Plaintiff may file one or more memoranda in opposition to Defendants' motion for judgment on the pleadings and Defendants' motion to dismiss. *Pro se* Plaintiff is **NOTIFIED** that his failure to respond as ordered herein may result in the dismissal of this case for failure to prosecute and/or the Court ruling on both motions as unopposed.

**IT IS SO ORDERED.**

Date: January 17, 2019

s/ Michael J. Newman  
Michael J. Newman  
United States Magistrate Judge

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<sup>1</sup> *Pro se* Plaintiff did file 407 pages of various documents -- including what appear to be discovery responses by Defendants -- on the Court's docket on December 31, 2018. Doc. 126. However, no memorandum was included in that filing. *Id.*